

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
Civil Action No.: 3:17-cv-00018-GCM

JANIE TILSON,

Plaintiff,

v.

EVERY DAY IS A HOLIDAY, INC. d/b/a  
CENTURION STONE OF THE  
CAROLINAS & GARY SPANGLER,

Defendants.

ORDER

**THIS MATTER** is before the Court on the Petition for Confirmation of Title VII Retaliation Fee Award submitted by Defendants Todd Gear and Gary Spangler (Doc. No. 23).

42 U.S.C. § 2000e-5(k) allows the Court in a Title VII action to, in its discretion, award the prevailing party a reasonable attorney's fee as part of the costs. Plaintiff filed a complaint against Gear, Spangler, and Every Day is a Holiday, Inc. Relevant to this Petition is Count III of the Complaint, a Title VII retaliation claim filed against all three Defendants.

In this Court's August 1, 2017 Order on Defendants' Motion to Dismiss, the Court found that the Title VII retaliation claim was brought without any foundation with respect to Defendants Gear and Spangler. The Court accordingly dismissed that claim as to Gear and Spangler and held that Gear and Spangler are entitled to a reasonable attorney's fee.

Gear and Spangler request payment of \$4,237.60. However, because the Motion to Dismiss was filed on behalf of all three Defendants and included research and briefing on four other causes of action alleged by Tilson (several of which contained more in-depth research and

analysis than the Title VII retaliation claim), the Court finds that the amount requested is excessive. Instead, the Court will award half of the amount requested, reducing it to \$2,118.80.

Accordingly, the Petition is GRANTED IN PART. Plaintiff is hereby ordered to pay Defendants Gear and Spangler, collectively, \$2,118.80.

**SO ORDERED.**

Signed: December 19, 2017

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen  
United States District Judge

